

AGNIFILO INTRATER

March 20, 2025

VIA ECF

Hon. Arun Subramanian
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *United States v. Combs*, 24-cr-542 (AS)

Dear Judge Subramanian:

Mr. Combs respectfully submits this letter to supplement his motion to suppress evidence (ECF 159) and to alert this Court to a recent disclosure by the government. One portion of Mr. Combs's motion focused on [REDACTED] (ECF 160 at 12-13.) The government had claimed in its warrant applications that [REDACTED]. The actual text messages between the two, however, [REDACTED].

In its opposition to the motion to suppress, the government claimed ignorance. It argued that "the Government did not have this full thread until months after the challenged warrants were issued," which they claimed was dispositive to the argument. (ECF 171 at 20.)

On March 17, 2025 however, the government produced discovery from [REDACTED] which included multiple screenshots including fuller context of the messages. (Ex. A.) The government sent the defense correspondence in which it revealed that it had these screenshots "back in February 2024." The government explained: "We recently realized that the screenshots had not been part of one our prior Rule 16 productions to you and promptly produced it to you. We apologize for this oversight. Note that the content in the screenshots was otherwise provided to you in warrant affidavits and [REDACTED] phone."

Moreover, the fact that the government received screenshots demonstrates that the government was in contact with [REDACTED] and could have obtained whatever additional context was required. And given that investigators had requested and received these specific screenshots from [REDACTED], it is utterly implausible that the warrant affiant himself—the lead investigator on the case—had not seen them. The full context should have been included. Instead, the government plucked a few bits out of context and included those in its warrant applications.

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Thank you for your consideration.

Respectfully submitted,



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